

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: May 21, 2013
Public Hearing: June 4, 2013

CONTACT PERSON/PHONE: Linda Castle, (915) 541-4029, castlelj@elpasotexas.gov

DISTRICT(S) AFFECTED: All

SUBJECT:

An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.16 (Zoning Board of Adjustment), Section 2.16.050 (Special Exceptions), of the El Paso City Code to clarify first floor area of the dwelling in the requirements for the Special Exception for Carport over a Driveway. The penalty is as provided in Chapter 20.24 (Enforcement-Penalty) of the El Paso City Code. (**All Districts**)

BACKGROUND / DISCUSSION:

The Zoning Board of Adjustment requested that Staff prepare an amendment to the Carport Special Exception that codifies and standardizes how the first floor area of the dwelling is defined and measured. See attached redline version.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Zoning Board of Adjustment – Unanimous Approval Recommendation

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director, Planning & Economic Development

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

Title 2 (Administration and Personnel), Chapter 2.16, Zoning Board of Adjustment, amendment to Carport Special Exception:

J. Carport over a driveway. Permit the encroachment into the required front yard setback for a lot in a residential (R) district beyond other allowed modifications for a carport covering a driveway; provided, however, that:

1. The residence has been in existence with a valid certificate of occupancy for one continuous year;
2. The zoning board of adjustment has received the written approval of the structural design from the building official;
3. The carport shall be constructed of the same material, architectural design, and color scheme as the residential structure, shall be open on three sides, shall be attached to the main structure and shall rise no higher than the highest point of the roof of the dwelling;
4. The area of the carport shall not exceed one-fifth of the first-floor area under roof of the dwelling, with the first-floor area of the dwelling defined as the sum of the gross horizontal area, exclusive of garages, atriums, stairwells, and open porches, measured from the exterior faces of the exterior walls; and, shall be measured as the area covered by the carport roof, to include overhangs;
5. Elevation drawings of the proposed structure shall be submitted;
6. For a duplex, the total of all extensions for either unit of the duplex shall not exceed two-thirds of the average width of that unit;
7. There is no other reasonable alternative to provide a carport in the front yard of the subject property without exceeding the encroachments allowed in Title 20 of this Code; and
8. Unless otherwise provided in this chapter, all remaining areas of the required front yard shall be permanent open space.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.16 (ZONING BOARD OF ADJUSTMENT), SECTION 2.16.050 (SPECIAL EXCEPTIONS), OF THE EL PASO CITY CODE TO CLARIFY FIRST FLOOR AREA OF THE DWELLING IN THE REQUIREMENTS FOR THE SPECIAL EXCEPTION FOR CARPORT OVER A DRIVEWAY. THE PENALTY IS AS PROVIDED IN CHAPTER 20.24 (ENFORCEMENT-PENALTY) OF THE EL PASO CITY CODE.

WHEREAS, Texas Local Government Code, Chapter 211, grants municipalities authority to provide for the appointment of a board of adjustment to make special exceptions to the terms of the zoning ordinance that are consistent with the general purpose and intent of the ordinance and in accordance with any applicable rules contained in the ordinance; and

WHEREAS, the City Council of the City of El Paso authorized the Zoning Board of Adjustment, by Ordinance No. 012681, enacted January 9, 1996, to grant certain Special Exceptions in the event specific conditions have been met; and

WHEREAS, the Zoning Board of Adjustment, after public hearing, has reviewed and recommended the adoption of a clarification of “first floor area of the dwelling” so that the exception will be in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which the property is located; and

WHEREAS, the El Paso City Council, having considered the recommendations and held a public hearing at which the public was allowed to comment on the proposed amendments, finds that the adoption of the proposed amendment as submitted will provide for a more clear understanding of the Special Exception Carport over a Driveway, and will be in harmony with the spirit and purposes of Titles 2 and 20 of the El Paso City Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

SECTION 1. That Title 2 (Administration and Personnel), Chapter 2.16 (Zoning Board of Adjustment), Section 2.16.050 (Special Exceptions) Paragraph J (Carport over a Driveway), Requirement 4, of the El Paso City Code is hereby amended as follows:

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J. Carport over a driveway. Permit the encroachment into the required front yard setback for a lot in a residential (R) district beyond other allowed modifications for a carport covering a driveway; provided, however, that:

4. The area of the carport shall not exceed one-fifth of the first-floor area under roof of the dwelling, with the first-floor area of the dwelling defined as the sum of the gross horizontal area, exclusive of garages, atriums, stairwells, and open porches, measured from the exterior faces of the exterior walls; and, shall be measured as the area covered by the carport roof, to include overhangs;

SECTION 2. Except as herein amended, Title 2 (Administration and Personnel), Chapter 2.16 (Zoning Board of Adjustment) shall remain in full force and effect.

APPROVED this _____ day of _____ 2013.

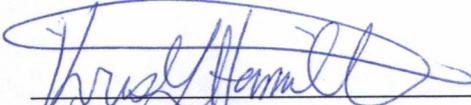
CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

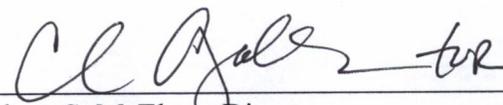
Richarda Duffy Momsen
Municipal Clerk

APPROVED AS TO FORM:



Kristen L. Hamilton
Assistant City Attorney

APPROVED AS TO CONTENT:



Mathew S. McElroy, Director
City Development Department

ORDINANCE NO. _____